THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.17988 OF 2005

Dated: 20-12-2005

Between

P. Kumara Sharma,S/o. Occ: Business,

Plot No.189/1, Flat G2, Shobha Enclave,

Bhagyanagar Colony, KPHB, Hyderabad

and others.

...PETITIONERS

AND

Akhila Bharatha Praja Thanthra Mahila Sangham,

Division Nuziveedu, Krishna District, rep. by its

Secretary, Naduri Padmanjali and others.

...RESPONDENTS

ORDER:

Petitioners seek a Writ of Mandamus to declare the action of the respondents 1 and 3 in issuing summons to appear before them as illegal and arbitrary.

Learned counsel for the petitioners submits that the first petitioner is the husband of the second petitioner and the third petitioner is the son of petitioners 1 and 2. The third petitioner married the second respondent, who left the company of the third petitioner more than a year ago. The learned counsel further submits that the second respondent made a

complaint to the respondents 1 and 3 against the petitioners. Based on the same, the first respondent addressed a letter dated 13.07.2005 calling the petitioners to appear before their association and a copy of the same was marked to the third respondent. It is submitted that the first respondent is not having any legal or statutory right to address a letter to the petitioners to appear before their association. The third respondent also without any justification whatsoever at the instance of the second respondent is illegally interfering with the personal life and liberty of the petitioners to settle the alleged disputes on the oral complaints made by the second respondent.

This Court is of the opinion that neither the first respondent nor the third respondent has any right or business to call the petitioners to appear before them and interfere with their personal life and liberty without there being any written complaint either by the second respondent or by any person concerned alleging that they have committed a cognizable offence.

Having regard to the facts and circumstances of the case,
the writ petition is disposed of declaring that the first respondent has no right in any manner or authority to address such letters to the petitioners calling them to appear before the said association and the third respondent is directed not to summon the petitioners and interfere with their personal life and liberty without there being any complaint alleging that the petitioners alleged to have committed a cognizable offence.

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V. ESWARAIAH, J

December 20, 2005

DSK